



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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400 Seventh St., S.W.
Washington, D.C. 20590

Mr. Ronald J. Stokes
Product Stewardship
ExxonMobil Chemical Company
Intermediates, Synthetics
Product Stewardship
P.O. Box 3140
Edison, New Jersey 08818

Ref. No. 00-0168

Dear Mr. Stokes:

This responds to your letter and subsequent telephone conversation with Mr. Michael Stevens of my staff regarding the shipping paper requirements as they apply to an empty (residue) tank car under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

You submitted a sample shipping paper for our review. It is your opinion that usage of the word "empty" as additional information on a shipping paper is consistent with the meaning of the word "residue" as required by § 172.203(e)(2) in the phrase "RESIDUE: LAST CONTAINED * * *."

Your understanding is correct. The word "empty" may appear on a shipping paper as additional information. With consideration of the format changes that you discussed with Mr. Stevens, we take no exception to usage of the word "empty" as it would appear on your revised shipping paper.

I trust this satisfies your request. Please contact us if we can be of further assistance.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards



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Stevens
§ 172.201
00-0468
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June 12, 2000

RSPA Office of Hazardous Materials Standards (DHM 10)
U.S. Department of Transportation
400 Seventh Street, SW.
Washington, DC 20590-0001

Re: Interpretation Request

To Whom It May concern:

In a recent review of our rail shipping activities it was noted that the use of the word "empty" on bills-of-lading used for cars containing "residue" was inconsistent with the basic shipping description (ref: §172.201(a)(4)). Since we do not agree with this assessment, your interpretation of the regulatory standard is sought.

In response to the comment we have compared the requirement of §172.201(a)(4) to those found in §172.203(e) and §173.29 to the actual use of the word "empty" and concluded the following:

There is a different in the technical application of the words empty Vs residue however the common definition of empty allows for its use on documents as it is use in §172.203(e) and §172.29(a). To better illustrate this point I have enclosed an example of a current bill-of-lading where the word empty is used, we think, in an acceptable manner.

Questions concerning this matter may be directed to me at (732) 321-6046 between 8:00 AM and 5:00 PM EST or at the address shown above.

I thank you in advance for kind assistance we this request.

Respectfully,



Ronald J. Stokes
Product Stewardship